




NEW ZEALAND
ARCHAEOLOGICAL
ASSOCIATION

ARCHAEOLOGY IN NEW ZEALAND



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CODES OF ETHICS AND STANDARDS FOR THE PRACTICE OF PROFESSIONAL ARCHAEOLOGY IN NEW ZEALAND

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NZAA Council

In 1997 the Association agreed to take over certain functions of the now disbanded Institute of New Zealand Archaeologists (INZA). These functions related in part to ethics, standards, and best practice guidelines, all of which were areas in which the Association already had a keen interest. To further the intention to work actively in the area, a network of members and others, linked by email, was established in 1998. There are currently 65 people involved in the professional-interests network (PIN) and participation is open to anyone working professionally or with an interest in these matters. Feedback was sought on the idea of establishing a framework of codes of ethics and best practice guidelines to guide professional work in New Zealand. It is recognised that there is only a tiny group here in New Zealand and that it should not try to reinvent the wheel but should modify existing overseas codes and standards. There was strong support from network participants for endorsing amended versions of the Society Of American Archaeology's Principles of Archaeological Ethics, Code of Ethics, and Standards of Research. It is stressed that the codes and guidelines are hortatory and non-enforceable but experience suggests that, even so, they will not be without effect. The wording of the codes is not set in concrete and changes will be made as they are found necessary.

At a meeting on 16 January 1999, the Association Council agreed to put in place a framework of codes of ethics and standards for the practice of professional archaeology in New Zealand. The framework consists of three parts: codes of ethics, charters, and best practice guidelines. The codes of ethics part consists of amended versions of the Society of American Archaeology's Principles of Archaeological Ethics, Code of Ethics, and Standards of Research. These are reproduced below.

Council also agreed to provisionally endorse:

- I. The Burra Charter (1979, revised 1981 & 1988), Australian ICOMOS Charter for the Conservation of Places of Cultural Significance.
- II. The Charter for the Protection and Management of the Archaeological Heritage (1990), International Committee on Archaeological Heritage Management.
- III. ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value 1993.

and to reconsider the matter after discussion by the professional-interests network.

Council also endorsed the Parliamentary Commissioner for the Environment's best practice guidelines for local authorities as the minimum standard for local body work in historic heritage.

Council confirmed that none of the codes, charters, or guidelines were enforceable and any force they might have would depend on the desire of practitioners to maintain a professional reputation and standing. Council believes that best practice guidelines are currently the most important area and hopes to encourage the development of appropriate documents as soon as possible.

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NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION PRINCIPLES OF ARCHAEOLOGICAL ETHICS

The Principles of Archaeological Ethics was adopted by the Society for American Archaeology in 1996. It was endorsed, in the revised form given below, by the New Zealand Archaeological Association in January 1999 to provide guidance for those working professionally in archaeology in New Zealand.

Principle No. 1: Stewardship

The archaeological record, that is, in situ archaeological material and sites, archaeological collections, records and reports, is irreplaceable. It is the responsibility of all archaeologists to work for the long-term conservation and protection of the archaeological record by practising and promoting

stewardship of the archaeological record. Stewards are both caretakers of and advocates for the archaeological record. In the interests of stewardship, archaeologists should use and advocate use of the archaeological record for the benefit of all people; as they investigate and interpret the record, they should use the specialised knowledge they gain to promote public understanding and support for its long-term preservation.

Principle No. 2: Accountability

Responsible archaeological research, including all levels of professional activity, requires an acknowledgement of public accountability and a commitment to make every reasonable effort, in good faith, to consult actively with affected group(s), with the goal of establishing a working relationship that can be beneficial to all parties involved.

Principle No. 3: Commercialisation

The commercialisation of archaeological objects - their use as commodities to be exploited for personal enjoyment or profit - results in the destruction of archaeological sites and of contextual information that is essential to understanding the archaeological record. Wherever possible, archaeologists should discourage, and should themselves avoid, activities that promote the use of archaeological objects as items of commerce, both within and between nations. Archaeologists should encourage the curation of archaeological collections in public institutions, or other places where they are readily available for scientific study, public interpretation, and display.

Principle No. 4: Public Education and Outreach

Archaeologists should reach out to, and participate in co-operative efforts with, others interested in the archaeological record with the aim of improving the preservation, protection, and interpretation of the record. In particular, archaeologists should undertake to: (1) enlist public support for the stewardship of the archaeological record; (2) explain and promote the use of archaeological methods and techniques in understanding human behaviour and culture; and (3) communicate archaeological interpretations of the past. Many publics exist for archaeology including students and teachers; Maori and other ethnic, religious, and cultural groups who find in the archaeological record important aspects of their cultural heritage; lawmakers and government officials; reporters, journalists, and others involved in the media; and the

general public. Archaeologists who are unable to undertake public education and outreach directly should encourage and support the efforts of others in these activities.

Principle No. 5: Intellectual Property

Intellectual property, as contained in the knowledge and documents created through the study of archaeological resources, is part of the archaeological record. As such it should be treated in accord with the principles of stewardship rather than as a matter of personal possession. If there is a compelling reason, and no legal restrictions or strong countervailing interests, a researcher may have primary access to original materials and documents for a limited and reasonable time, after which these materials and documents should be made available to others.

Principle No. 6: Public Reporting and Publication

Within a reasonable time, the knowledge archaeologists gain from investigation of the archaeological record must be presented in accessible form (through publication or other means) to as wide a range of interested publics as possible. The documents and materials on which publication and other forms of public reporting are based should be deposited in a suitable place for permanent safekeeping. An interest in preserving and protecting in situ archaeological sites must be taken into account when publishing and distributing information about their nature and location.

Principle No. 7: Records and Preservation

Archaeologists should work actively for the preservation of, and long term access to, archaeological collections, records, and reports. To this end, they should encourage colleagues, students, and others to make responsible use of collections, records, and reports in their research as one means of preserving the in situ archaeological record, and of increasing the care and attention given to that portion of the archaeological record which has been removed and incorporated into archaeological collections, records, and reports.

Principle No. 8: Training and Resources

Given the destructive nature of most archaeological investigations, archaeologists must ensure that they have adequate training, experience,

facilities, and other support necessary to conduct any program of research they initiate in a manner consistent with the foregoing principles and contemporary standards of professional practice.

Principle No. 9: Cultural Sensitivity

Archaeological resources have heritage values to different groups in society and a multiplicity of legitimate interests needs to be recognised in their management. People have different views of the past and archaeologists need to be sensitive to these views and take care that their interpretations are as free as possible from unexamined cultural biases.

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CODE OF PROFESSIONAL ETHICS

The Code of Ethics and Standards of Research Performance were adopted by the Society of Professional Archaeologists (U.S.A.) in 1976. It was endorsed, in the revised form given below, by the New Zealand Archaeological Association in January 1999 to provide guidance for those working professionally in archaeology in New Zealand.

PREAMBLE

Archaeology provides an approach to the study of human history through the scientific investigation and interpretation of the archaeological record. A finite, non-renewable, generally fragile resource, the archaeological record is comprised of all the material evidence of past human behaviour.

Society has a claim on the information about the human past which can be derived from the study of the archaeological record. Society, therefore, must depend upon the profession of archaeology to ensure that archaeologists:

- (a) conduct their studies scientifically so that accurate new information about the past will be acquired;
- (b) disseminate the results of their studies;
- (c) help to conserve the archaeological record; and
- (d) use archaeological resources appropriately in their research.

These objectives will be promoted by the promulgation of a code of professional ethics and codes of professional standards for the practice of archaeology. The promulgation of such codes, and the identification and unification of those who subscribe to them, will:

- (1) strengthen the identification of archaeology as a profession and of qualified archaeologists as professionals;
- (2) encourage high standards in the training and further education of archaeologists;
- (3) require high standards of performance from practising professional archaeologists;
- (4) communicate to the public the importance of proper practice of archaeology; and
- (5) assist governmental and other organisations using archaeologists in the course of their activities to identify those properly qualified for the purpose.

CODE OF PROFESSIONAL ETHICS

The privilege of professional practice requires professional ethics and professional responsibility, as well as professional competence, on the part of each practitioner.

I. The Archaeologist's Responsibility to the Public

1.1 An archaeologist shall:

- (a) Recognise a commitment to represent archaeology and its research results to the public in a responsible manner;
- (b) Actively support conservation of the archaeological resource base;
- (c) Be sensitive to, and respect the legitimate concerns of, groups whose culture histories are the subjects of archaeological investigations and actively consult with them when archaeological work is proposed;
- (d) Avoid and discourage exaggerated, misleading, or unwarranted statements about archaeological matters that might induce others to engage in unethical or illegal activity.

- (e) Continue their professional development throughout their career beyond their formal training, to retain and develop their currency in their chosen areas of expertise.

1.2 An archaeologist shall not:

- (a) Engage in any illegal or unethical conduct involving archaeological matters or knowingly permit the use of their name in support of any illegal or unethical activity involving archaeological matters;
- (b) Give a professional opinion, make a public report, or give legal testimony involving archaeological matters without being as thoroughly informed as might reasonably be expected;
- (c) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation about archaeological matters;
- (d) Undertake any research that affects the archaeological resource base for which they are not qualified.

II. The Archaeologist's Responsibility to Colleagues:

2.1 An archaeologist shall:

- (a) Give appropriate credit for work done by others;
- (b) Stay informed and knowledgeable about developments in their field or fields of specialisation;
- (c) Accurately, and without undue delay, prepare and properly disseminate a description of research done and its results;
- (d) Communicate and co-operate with colleagues having common professional interests;
- (e) Give due respect to colleagues' interests in, and rights to, information about sites, areas, collections, or data where there is a mutual active or potentially active research concern;
- (f) Know and comply with all laws applicable to their archaeological research, as well as with any relevant

procedures promulgated by duly constituted professional organisations;

- (g) If employed to review the work of colleagues, promptly advise them of that fact and provide reasonable opportunity for them to consider and respond to any adverse findings.
- (h) Give less-qualified co-workers on a project every reasonable opportunity to gain skills and experience and shall negotiate adequate and appropriate remuneration for such work with regard to the skills of the co-worker and requirements for the job.

2.2 An archaeologist shall not:

- (a) Falsely or maliciously attempt to injure the reputation of another archaeologist;
- (b) Commit plagiarism in oral or written communication;
- (c) Undertake research that affects the archaeological resource base unless reasonably prompt, appropriate analysis and reporting can be expected;
- (d) Refuse a reasonable request from a qualified colleague for research data;
- (e) Knowingly compete with another for employment to the detriment of professional standards.

III. The Archaeologist's Responsibility to Employers and Clients

3.1 An archaeologist shall:

- (a) Respect the interests of employer or client, so far as is consistent with the public welfare and this Code and Standards;
- (b) Refuse to comply with any request or demand of an employer or client which conflicts with this Code and Standards;
- (c) Recommend to employers or clients the employment of other archaeologists or other expert consultants upon encountering archaeological problems beyond their own competence;

- (d) Exercise reasonable care to prevent employees, colleagues, associates and others whose services are utilised from revealing or using confidential information. Confidential information means information of a non-archaeological nature gained in the course of employment which the employer or client has requested be held inviolate, or the disclosure of which would be embarrassing or would be likely to be detrimental to the employer or client. Information ceases to be confidential when the employer or client so indicates or when such information becomes publicly known;
- (e) Behave ethically and in the interest of the client in recommending the employment of other professionals.

3.2 An archaeologist shall not:

- (a) Reveal confidential information, unless required by law;
- (b) Use confidential information to the disadvantage of the client or employer;
- (c) Use confidential information for the advantage of themselves or a third person, unless the client consents after full disclosure;
- (d) Recommend or participate in any research which does not comply with the requirements of the Standards of Research Performance.
- (e) Claim to be an archaeological consultant of any kind unless they can act as an independent and unbiased adviser and have suitable qualifications and experience.

STANDARDS OF RESEARCH PERFORMANCE

The research archaeologist has a responsibility to attempt to design and conduct projects that will add to our understanding of past cultures and/or that will develop better theories, methods or techniques for interpreting the archaeological record, while causing minimal attrition of the archaeological resource base. In the conduct of a research project, the following minimum standards should be followed:

I. The archaeologist has a responsibility to prepare adequately for any research project, whether or not in the field. The archaeologist must:

- 1.1 Assess the adequacy of their qualifications for the demands of the project, and minimise inadequacies by acquiring additional expertise, by bringing in associates with the needed qualifications, or by modifying the scope of the project;
- 1.2 Inform themselves of relevant previous research;
- 1.3 Develop a scientific plan of research which specifies the archaeological objectives of the project, takes into account previous relevant research, employs a suitable methodology, and provides for an appropriate use of the resource base (whether such base consists of an excavation site or of specimens) consistent with the objectives of the project;
- 1.4 Ensure the availability of adequate staff and support facilities to carry the project to completion, and of adequate curatorial facilities for specimens and records;
- 1.5 Comply with all legal requirements, including, without limitation, obtaining all necessary governmental permits and necessary permission from landowners or other persons;
- 1.6 Determine whether the project is likely to interfere with the programme or projects of other scholars and if there is such a likelihood, initiate negotiations to minimise such interference.

II. In conducting research, the archaeologist must follow his/her scientific plan of research, except to the extent that unforeseen circumstances warrant its modification.

III. Procedures for field survey or excavation must meet the following minimal standards:

- 3.1 If specimens are collected, a system for identifying and recording their provenances must be maintained.
- 3.2 Uncollected entities such as environmental or cultural features, depositional strata, and the like, must be fully and

- accurately recorded by appropriate means, and their location recorded.
- 3.3 The methods employed in data collection must be fully and accurately described. Significant stratigraphic and/or associational relationships among artefacts, other specimens and cultural and environmental features must also be fully and accurately recorded.
 - 3.4 All records should be intelligible to other archaeologists. If terms lacking commonly held referents are used, they should be clearly defined.
 - 3.5 Insofar as possible, the interests of other researchers should be considered. For example, upper levels of a site should be scientifically excavated and recorded whenever feasible, even if the focus of the project is on underlying levels.

IV. During accessioning, analysis and storage of specimens and records in the laboratory, the archaeologist must take precautions to ensure that correlations between the specimens and the field records are maintained, so that provenance, contextual relationships and the like are not confused or obscured.

V. Specimens and research records resulting from a project must be deposited at an institution with permanent curatorial facilities.

VI. The archaeologist has responsibility for appropriate dissemination of the results of their research to the appropriate constituencies with reasonable dispatch.

- 6.1 Results viewed as significant contributions to substantive knowledge of the past or to advancements in theory, method or technique should be disseminated to colleagues and other interested persons by appropriate means, such as publications reports at professional meetings, or letters to colleagues.
- 6.2 Requests from qualified colleagues for information on research results ordinarily should be honoured, if consistent with the researcher's prior rights to publication and with the researcher's other professional responsibilities.

- 6.3 Failure to complete a full scholarly report within 10 years after completion of a field project shall be construed as a waiver of an archaeologist's right of primacy with respect to analysis and publication of the data. Upon expiration of such 10 year period, or at such earlier time as the archaeologist shall determine not to publish the results, such data should be made fully accessible for analysis and publication to other archaeologists.
- 6.4 While contractual obligations in reporting must be respected, archaeologists should not enter into a contract which prohibits the archaeologist from including his or her own interpretations or conclusions in contractual reports, or from a continuing right to use the data after completion of the project.
- 6.5 Archaeologists have an obligation to accede to reasonable requests for information from the news media.

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THE BURRA CHARTER

The Australian ICOMOS Charter for the Conservation of Places of Cultural Significance

Preamble

Having regard to the International Charter for the Conservation and Restoration of Monuments and Sites (Venice 1966), and the Resolutions of the 5th General Assembly of the International Council on Monuments and Sites (ICOMOS) (Moscow 1978), the following Charter was adopted by Australian ICOMOS on 19th August 1979 at Burra Burra. Revisions were adopted on 23rd February 1981 and on 23rd April 1988.

Definitions

ARTICLE 1. For the purpose of this Charter:

1.1 *Place* means site, area, building or other work, group of buildings or other works together with associated contents and surrounds.

1.2 **Cultural significance** means aesthetic, historic, scientific or social value for past, present or future generations.

1.3 **Fabric** means all the physical material of the *place*.

1.4 **Conservation** means all the processes of looking after a place so as to retain its *cultural significance*. It includes maintenance and may according to circumstance include *preservation*, *restoration*, *reconstruction* and *adaptation* and will be commonly a combination of more than one of these.

1.5 **Maintenance** means the continuous protective care of the *fabric*, contents and setting of a *place*, and is to be distinguished from repair. Repair involves *restoration* or *reconstruction* and it should be treated accordingly.

1.6 **Preservation** means maintaining the *fabric* of a *place* in its existing state and retarding deterioration.

1.7 **Restoration** means returning the EXISTING *fabric* of a *place* to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material.

1.8 **Reconstruction** means returning a *place* as nearly as possible to a known earlier state and is distinguished by the introduction of materials (new or old) into the *fabric*. This is not to be confused with either recreation or conjectural reconstruction which are outside the scope of this Charter.

1.9 **Adaptation** means modifying a *place* to suit proposed compatible uses.

1.10 **Compatible use** means a use which involves no change to the culturally significant *fabric*, changes that are substantially reversible, or changes which require a minimal impact.

Conservation Principles

ARTICLE 2. The aim of *conservation* is to retain the *cultural significance* of a *place* and must include provision for its security, its *maintenance* and its future.

ARTICLE 3. *Conservation* is based on a respect for the existing *fabric* and should involve the least possible physical intervention. It should not distort the evidence provided by the *fabric*.

ARTICLE 4. *Conservation* should make use of all the disciplines which can contribute to the study and safeguarding of a *place*. Techniques employed should be traditional but in some circumstances they may be modern ones for which a firm scientific basis exists and which have been supported by a body of experience.

ARTICLE 5. *Conservation* of a *place* should take into consideration all aspects of its *cultural significance* without unwarranted emphasis on any one aspect at the expense of others.

ARTICLE 6. The conservation policy appropriate to a *place* must first be determined by a understanding of its *cultural significance*.

ARTICLE 7. The conservation policy will determine which uses are compatible.

ARTICLE 8. *Conservation* requires the maintenance of an appropriate visual setting: e.g., form, scale, colour, texture and materials. No new construction, demolition or modification which would adversely affect the setting should be allowed. Environmental intrusions which adversely affect appreciation or enjoyment of the *place* should be excluded.

ARTICLE 9. A building or work should remain in its historical location. The moving of all or part of a building or work is unacceptable unless this is the sole means of ensuring its survival.

ARTICLE 10. The removal of contents which form part of *the cultural significance* of the *place* is unacceptable unless it is the sole means of ensuring their security and *preservation*. Such contents must be returned should changed circumstances make this practicable.

Conservation Processes

Preservation

ARTICLE 11. *Preservation* is appropriate where the existing state of the *fabric* itself constitutes evidence of specific *cultural significance*, or where insufficient evidence is available to allow other conservation processes to be carried out.

ARTICLE 12. *Preservation* is limited to the protection, *maintenance* and, where necessary, the stabilisation of the existing *fabric* but without the distortion of its *cultural significance*.

Restoration

ARTICLE 13. *Restoration* is appropriate only if there is sufficient evidence of an earlier state of the *fabric* and only if returning the *fabric* to that state reveals the *cultural significance* of the *place*.

ARTICLE 14. *Restoration* should reveal anew culturally significant aspects of the *place*. It is based on respect for all the physical, documentary and other evidence and stops at the point where conjecture begins.

ARTICLE 15. *Restoration* is limited to the reassembling of displaced components or removal of accretions in accordance with Article 16.

ARTICLE 16. The contributions of all periods to the place must be respected. If a *place* includes the *fabric* of different periods, revealing the *fabric* of one period at the expense of another can only be justified when what is removed is of slight *cultural significance* and the *fabric* which is to be revealed is of much greater *cultural significance*.

Reconstruction

ARTICLE 17. *Reconstruction* is appropriate only where a *place* is incomplete through damage or alteration and where it is necessary for its survival, or where it reveals the *cultural significance* of the *place* as a whole.

ARTICLE 18. *Reconstruction* is limited to the completion of a depleted entity and should not constitute the majority of the *fabric* of the *place*.

ARTICLE 19. *Reconstruction* is limited to the reproduction of *fabric*, the form of which is known from physical and/or documentary evidence. It should be identifiable on close inspection as being new work.

Adaptation

ARTICLE 20. *Adaptation* is acceptable where the *conservation* of the *place* cannot otherwise be achieved, and where the *adaptation* does not substantially detract from its *cultural significance*.

ARTICLE 21. *Adaptation* must be limited to that which is essential to a use for the *place* determined in accordance with Articles 6 and 7.

ARTICLE 22. *Fabric* of *cultural significance* unavoidably removed in the process of *adaptation* must be kept safely to enable its future reinstatement.

Conservation Practice

ARTICLE 23. Work on a *place* must be preceded by professionally prepared studies of the physical, documentary and other evidence, and the existing *fabric* recorded before any intervention in the *place*.

ARTICLE 24. Study of a *place* by any disturbance of the *fabric* or by archaeological excavation should be undertaken where necessary to provide data essential for decisions on the *conservation* of the *place* and/or to secure evidence about to be lost or made inaccessible through necessary *conservation* or other unavoidable action. Investigation of a *place* for any other reason which requires physical disturbance and which adds substantially to a

scientific body of knowledge may be permitted, provided that it is consistent with the conservation policy for the *place*.

ARTICLE 25. A written statement of conservation policy must be professionally prepared setting out the *cultural significance* and proposed *conservation* procedure together with justification and supporting evidence, including photographs, drawings and all appropriate samples.

ARTICLE 26. The organisation and individuals responsible for policy decisions must be named and specific responsibility taken for each such decision.

ARTICLE 27. Appropriate professional direction and supervision must be maintained at all stages of the work and a log kept of new evidence and additional decisions recorded as in Article 25 above.

ARTICLE 28. The records required by Articles 23, 25, 26, and 27 should be placed in a permanent archive and made publicly available.

ARTICLE 29. The items referred to in Articles and 22 should be professionally catalogued and protected.

Words in italics are defined in Article 1.

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1990 - ARCHAEOLOGICAL HERITAGE MANAGEMENT - ICOMOS INTERNATIONAL CHARTER FOR ARCHAEOLOGICAL HERITAGE MANAGEMENT

Adopted by ICOMOS in 1990

INTRODUCTION

It is widely recognised that a knowledge and understanding of the origins and development of human societies is of fundamental importance to humanity in identifying its cultural and social roots. The archaeological heritage constitutes the basic record of past human activities. Its protection and proper management is therefore essential to enable archaeologists and other scholars to study and interpret it on behalf of and for the benefit of present and future generations.

The protection of this heritage cannot be based upon the application of archaeological techniques alone. It requires a wider basis of professional and scientific knowledge and skills. Some elements of the archaeological heritage are components of architectural structures and in such cases must be protected in accordance with the criteria for the protection of such structures laid down in the 1966 Venice Charter on the Conservation and Restoration of Monuments and Sites. Other elements of the archaeological heritage constitute part of the living traditions of indigenous peoples and for such sites and monuments the participation of local cultural groups is essential to their protection and preservation.

For these and other reasons the protection of the archaeological heritage must be based upon effective collaboration among professionals from many disciplines. It also requires the co-operation of government authorities, academic researchers, private enterprise and the general public. This charter therefore lays down principles relating the different aspects of archaeological heritage management. These include the responsibilities of public authorities and legislators, principles relating to the professional performance of the process of inventorization, survey, excavation, documentation, research, maintenance, conservation, preservation, reconstruction, information, presentation, public access and use of the heritage and the qualification of professionals involved in the protection of the archaeological heritage.

The charter has been inspired by the success of the Venice Charter as guidelines and a source of ideas for policies and practice of governments as well as scholars and professionals.

The charter has to reflect very basic principles and guidelines with global validity. For this reason it cannot take into account the specific problems and possibilities of regions or countries. The charter should therefore be supplemented at regional and national levels by further principles and guidelines for these needs.

Article 1: Definition and Introduction

The archaeological heritage is that part of the material heritage in respect of which archaeological methods provide primary information. It comprises all vestiges of human existence and consists of places relating to all manifestations of human activity, abandoned structures and remains of all

kinds (including subterranean and underwater sites), together with all the portable cultural material associated with them.

Article 2: Integrated Protection Policies

The archaeological heritage is a fragile and non-renewable cultural resource. Land use must therefore be controlled and developed in order to minimise the destruction of the archaeological heritage.

Policies for the protection of the archaeological heritage should constitute an integral component of policies relating to land use, development and planning as well as of cultural, environment and educational policies. The creation of archaeological reserves should form part of such policies.

The protection of the archaeological heritage should be integrated into planning policies at international, national, regional and local levels.

Active participation by the general public must form part of policies for the protection of the archaeological heritage. This is essential where the heritage of indigenous peoples is involved. Participation must be based upon access to the knowledge necessary for decision-making. The provision of information for the general public is therefore an important element in integrated protection.

Article 3: Legislation and Economy

The protection of the archaeological heritage should be considered as a moral obligation upon all human beings; it is also a collective public responsibility. This obligation must be acknowledged through relevant legislation and the provision of adequate funds for the supporting programmes necessary for effective heritage management.

The archaeological heritage is common to all human society and it should therefore be the duty of every country to ensure that adequate funds are available for its protection.

Legislation should afford protection to the archaeological heritage that is appropriate to the needs, history and traditions of each country and region, providing for in situ protection and research needs.

Legislation should be based on the concept of the archaeological heritage as the heritage of all humanity and of groups of peoples and not restricted to any individual person or nation.

Legislation should forbid the destruction, degradation or alteration through changes of any archaeological site or monument or to their surroundings without the consent of the relevant archaeological authority.

Legislation should in principle require full archaeological investigation and documentation in cases where the destruction of the archaeological heritage is authorised.

Legislation should require and make provision for the proper maintenance and conservation of the archaeological heritage.

Adequate legal sanctions should be prescribed in respect of violations of archaeological heritage legislation.

If legislation affords protection only to those elements of the archaeological heritage which are registered in a selective statutory inventory, provision should be made for the temporary protection of unprotected or newly discovered sites and monuments until an archaeological evaluation can be carried out.

Development projects constitute one of the greatest physical threats to the archaeological heritage. A duty for developers to ensure that archaeological heritage impact studies are carried out before development schemes are implemented, should therefore be embodied in appropriate legislation, with a stipulation that the costs of such studies are to be included in project costs. The principle should also be established in legislation that development schemes should be designed in such a way as to minimise their impact upon the archaeological heritage.

Article 4: Survey

The protection of the archaeological heritage must be based upon the fullest possible knowledge of its extent and nature. General survey of archaeological resources is therefore an essential working tool in developing strategies for the protection of the archaeological heritage. Consequently archaeological

survey should be a basic obligation in the protection and management of the archaeological heritage.

At the same time, inventories constitute primary resource data bases for scientific study and research. The compilation of inventories should therefore be regarded as a continuous, dynamic process. It follows that inventories should comprise information at various levels of significance and reliability, since even superficial knowledge can form the starting point for protectional measures.

Article 5: Investigation

Archaeological investigation is based principally on the scientific investigation of the archaeological heritage. Such investigation embraces the whole range of methods from non-destructive techniques through sampling to total excavation.

It must be an over-riding principle that the gathering of information about the archaeological heritage should not destroy any more archaeological evidence than is necessary for the protectional or scientific objectives of the investigation.

Non-destructive techniques, aerial and ground survey and sampling should therefore be encouraged wherever possible, in preference to total excavation.

As excavation implies the necessity of making a selection of evidence to be documented and preserved at the cost of losing other information and possibly even the total destruction of the monument, a decision to excavate should only be taken after thorough consideration.

Excavation should be carried out on sites and monuments threatened by development, land-use change, looting or natural deterioration.

In exceptional cases, unthreatened sites may be excavated to elucidate research problems or to interpret them more effectively for the purpose of presenting them to the public. In such cases excavation must be preceded by thorough scientific evaluation of the significance of the site. Excavation should be partial, leaving a proportion undisturbed for future research.

A report conforming to an agreed standard should be made available to the scientific community and should be incorporated in the relevant inventory within a reasonable period of time after the conclusions of the excavation.

Excavations should be conducted in accordance with the principles embodied in the 1956 UNESCO Recommendations on International Principles Applicable to Archaeological Excavations and with agreed international and national professional standards.

Article 6: Maintenance and Conservation

The overall objective of archaeological heritage management should be the preservation of monuments and sites in situ. Any transfer of elements of the heritage to new locations represents a violation of the principles of preserving the heritage in its original context. This principle stresses the need for proper maintenance, conservation and management. It also asserts the principle that the archaeological heritage should not be exposed by excavation or left exposed after excavation if provision for its proper maintenance and management after excavation cannot be guaranteed.

Local commitment and participation should be actively sought and encouraged as a means of promoting the maintenance of the archaeological heritage. This principle is especially important when dealing with the heritage of indigenous peoples or local cultural groups. In some cases it may be appropriate to entrust responsibility for the protection and management of sites and monuments to indigenous peoples.

Owing to the inevitable limitations of available resources, active management will have to be carried out on a selective basis. It should therefore be applied to a sample of the diversity of sites and monuments, based upon scientific assessment of their significance and representative character and not confined to the more notable and visually attractive monuments.

The relevant principles of the 1956 UNESCO Recommendations should be applied in respect of the maintenance and conservation of the archaeological heritage.

Article 7: Preservation, Information, Reconstruction

The presentation of the archaeological heritage to the general public is an essential method of promoting an understanding of the origins and development of modern societies. At the same time it is the most important means of promoting an understanding of the needs for its protection.

Presentation and information should be conceived as a popular interpretation of the current state of knowledge and it must therefore be revised frequently. It should take account of the multi-faceted approaches to an understanding of the past.

Reconstruction serves two important functions: experimental research and interpretation. They should, however, be carried out with great caution, so as to avoid disturbing any surviving archaeological evidence and they should take account of evidence from all sources in order to achieve authenticity. Where possible and appropriate, reconstruction should be built immediately on the archaeological remains and should be identifiable as such.

Article 8: Professional Qualifications

High academic standards in many different disciplines are essential to the management of the archaeological heritage. The training of an adequate number of qualified professionals in the relevant fields of expertise should therefore be an important objective for the educational policies in every country. The need to develop expertise in certain highly specialised fields calls for international co-operation.

The objective of academic archaeological training should take account of the shift in conservation policies from excavation to in situ preservation. It should also take into account the fact that the study of the history of indigenous peoples is as important to preserving and understanding the archaeological heritage as the study of outstanding monuments and sites.

The protection of the archaeological heritage is a process of continuous dynamic development. Time should therefore be made available to professionals working in this field to enable them to update their knowledge. Postgraduate training programmes should be developed with special emphasis on the protection and management of the archaeological heritage.

Article 9: International Co-operation

The archaeological heritage is the common heritage of all humanity. International co-operation is therefore essential in developing and maintaining standards in its management.

There is an urgent need to create international mechanisms for the exchange of information and experience among professionals dealing with archaeological heritage management. This requires the organisation of conferences, seminars, workshops, etc. at global as well as regional levels and the establishment of regional centres for postgraduate studies. ICOMOS, through its specialised groups, should promote this aspect in its medium and long-term planning.

International exchanges of professional staff should also be developed as a mean of raising standards of archaeological heritage management.

Technical assistance programmes in the field of archaeological heritage management should be developed under the auspices of ICOMOS.

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ICOMOS NEW ZEALAND CHARTER FOR THE CONSERVATION OF PLACES OF CULTURAL HERITAGE VALUE 1993

Preamble

New Zealand retains a unique assemblage of places of cultural heritage value relating to its indigenous and its more recent peoples. These areas, landscapes and features, buildings, structures and gardens, archaeological and traditional sites, and sacred places and monuments are treasures of distinctive value. New Zealand shares a general responsibility with the rest of humanity to safeguard its cultural heritage for present and future generations. More specifically, New Zealand peoples have particular ways of perceiving, conserving and relating to their cultural heritage.

Following the spirit of the International Charter for the Conservation and Restoration of Monuments and Sites (the Venice Charter 1966), this charter

sets out principles to guide the conservation of places of cultural heritage value in New Zealand. It is intended as a frame of reference for all those who, as owners, territorial authorities, tradespeople or professionals, are involved in the different aspects of such work. It aims to provide guidelines for community leaders, organisations and individuals concerned with conservation issues. It is a statement of professional practice for members of ICOMOS New Zealand.

Each section of the charter should be read in the light of all the others. Definitions of terms used are provided in section 22.

Accordingly this charter has been adopted by the New Zealand National Committee of the International Council on Monuments and Sites at its meeting on 7 March 1993.

1. THE PURPOSE OF CONSERVATION

The purpose of conservation is to care for places of cultural heritage value, their structures, materials and cultural meaning. In general, such places:

- (i) have lasting values and can be appreciated in their own right;
- (ii) teach us about the past and the culture of those who came before us;
- (iii) provide the context for community identity whereby people relate to the land and to those who have gone before;
- (iv) provide variety and contrast in the modern world and a measure against which we can compare the achievements of today; and
- (v) provide visible evidence of the continuity between past, present and future.

2. INDIGENOUS CULTURAL HERITAGE

The indigenous heritage of Maori and Moriori relates to family, hapu and tribal groups and associations. It is inseparable from identity and well-being and has particular cultural meanings.

The Treaty of Waitangi is the founding document of our nation and is the basis for indigenous guardianship. It recognises the indigenous people as exercising responsibility for their treasures, monuments and sacred places. This interest extends beyond current legal ownership wherever such heritage exists. Particular knowledge of heritage values is entrusted to chosen guardians. The conservation of places of indigenous cultural heritage value therefore is conditional on decisions made in the indigenous community, and should proceed only in this context. Indigenous conservation precepts are fluid and take account of the continuity of life and the needs of the present as well as the responsibilities of guardianship and association with those who have gone before. In particular, protocols of access, authority and ritual are handled at a local level. General principles of ethics and social respect affirm that such protocols should be observed.

3. CONSERVATION PRACTICE

Appropriate conservation professionals should be involved in all aspects of conservation work. Indigenous methodologies should be applied as appropriate and may vary from place to place. Conservation results should be in keeping with their cultural content. All necessary consents and permits should be obtained.

Conservation projects should include the following:

- (i) definition of the cultural heritage value of the place, which requires prior researching of any documentary and oral history, a detailed examination of the place, and the recording of its physical condition;
- (ii) community consultation, continuing throughout the project as appropriate;
- (iii) preparation of a plan which meets the conservation principles of this charter;
- (iv) the implementation of any planned work; and
- (v) the documentation of any research, recording and conservation work, as it proceeds.

General Principles

4. CONSERVATION METHOD

Conservation should:

- (i) make use of all relevant conservation values, knowledge, disciplines, arts and crafts;
- (ii) show the greatest respect for, and involve the least possible loss of, material of cultural heritage value;
- (iii) involve the least degree of intervention consistent with long term care and the principles of this charter;
- (iv) take into account the needs, abilities and resources of the particular communities; and
- (v) be fully documented and recorded.

5. RESPECT FOR EXISTING EVIDENCE

The evidence of time and the contributions of all periods should be respected in conservation. The material of a particular period may be obscured or removed if assessment shows that this would not diminish the cultural heritage value of the place. In these circumstances such material should be documented before it is obscured or removed.

6. SETTING

The historical setting of a place should be conserved with the place itself. If the historical setting no longer exists, construction of a setting based on physical and documentary evidence should be the aim. The extent of the appropriate setting may be affected by constraints other than heritage value.

7. RISK MITIGATION

All places of cultural heritage value should be assessed as to their potential risk from any natural process or event. Where a significant risk is

determined, appropriate action to minimise the risk should be undertaken. Where appropriate, a risk mitigation plan should be prepared.

8. RELOCATION

The site of an historic structure is usually an integral part of its cultural heritage value. Relocation, however, can be a legitimate part of the conservation process where assessment shows that:

- (i) the site is not of associated value (an exceptional circumstance) or;
- (ii) relocation is the only means of saving the structure; or
- (iii) relocation provides continuity of cultural heritage value.

A new site should provide a setting compatible with cultural heritage value.

9. INVASIVE INVESTIGATION

Invasive investigation of a place can provide knowledge that is not likely to be gained from any other source. Archaeological or structural investigation can be justified where such evidence is about to be lost, or where knowledge may be significantly extended, or where it is necessary to establish the existence of material of cultural heritage value, or where it is necessary for conservation work. The examination should be carried out according to accepted scientific standards. Such investigation should leave the maximum amount of material undisturbed for study by future generations.

10. CONTENTS

Where the contents of a place contribute to its cultural heritage value, they should be regarded as an integral part of the place and be conserved with it.

11. WORKS OF ART AND SPECIAL FABRIC

Carving, painting, weaving, stained glass and other arts associated with a place should be considered integral with a place. Where it is necessary to carry out maintenance and repair of any such material, specialist conservation advice appropriate to the material should be sought.

12. RECORDS

Records of the research and conservation of places of cultural heritage value should be placed in an appropriate archive and made available to all affected people. Some knowledge of places of indigenous heritage value is not a matter of public record, but is entrusted to guardians within the indigenous community.

Conservation Processes

13. DEGREES OF INTERVENTION

Conservation may involve, in increasing extent of intervention: non-intervention, maintenance, stabilisation, repair, restoration, reconstruction or adaptation. Where appropriate, conservation processes may be applied to parts or components of a structure or site.

Re-creation, meaning the conjectural reconstruction of a place, and replication, meaning to make a copy of an existing place, are outside the scope of this charter.

14. NON-INTERVENTION

In some circumstances, assessment may show that any intervention is undesirable. In particular, undisturbed constancy of spiritual association may be more important than the physical aspects of some places of indigenous heritage value.

15. MAINTENANCE

A place of cultural heritage value should be maintained regularly and according to a plan, except in circumstances where it is appropriate for places to remain without intervention.

16. STABILISATION

Places of cultural heritage value should be protected from processes of decay, except where decay is appropriate to their value. Although deterioration cannot be totally prevented, it should be slowed by providing stabilisation or support.

17. REPAIR

Repair of material or of a site should be with original or similar materials. Repair of a technically higher standard than the original workmanship or materials may be justified where the life expectancy of the site or material is increased, the new material is compatible with the old and the cultural heritage value is not diminished. New material should be identifiable.

18. RESTORATION

Restoration should be based on respect for existing material and on the logical interpretation of all available evidence, so that the place is consistent with its earlier form and meaning. It should only be carried out if the cultural heritage value of the place is recovered or revealed by the process.

The restoration process typically involves reassembly and reinstatement and may involve the removal or accretions.

19. RECONSTRUCTION

Reconstruction is distinguished from restoration by the introduction of additional materials where loss has occurred. Reconstruction may be appropriate if it is essential to the function or understanding of a place, if sufficient physical and documentary evidence exists to minimise conjecture, and if surviving heritage values are preserved. Reconstruction should not normally constitute the majority of a place. Generalised representations of typical features or structures should be avoided.

20. ADAPTATION

The conservation of a place of cultural heritage value is usually facilitated by it serving a socially, culturally or economically useful purpose. In some cases, alterations and additions may be acceptable where they are essential to continued use, or where they are culturally desirable, or where the conservation of the place cannot otherwise be achieved. Any change, however, should be the minimum necessary and should not detract from the cultural heritage value of the place. Any additions and alterations should be compatible with the original fabric but should be sufficiently distinct that they can be read as new work.

21. INTERPRETATION

Interpretation of a place may be appropriate if enhancement of public understanding is required. Relevant protocol should be complied with. Any interpretation should not compromise the values, appearance, structure or materials of a place, or intrude upon the experience of a place.

22. DEFINITIONS

For the purposes of this charter:

adaptation means modifying a place to suit it to a compatible use, involving the least possible loss of cultural heritage value

conservation means the process of caring for a place so as to safeguard its cultural heritage value

cultural heritage value means possessing historical, archaeological, architectural, technological, aesthetic, scientific, spiritual, social, traditional or other special cultural significance, associated with human activity

maintenance means the protective care of a place

material means physical matter which is the product of human activity or has been modified by human activity

place means any land, including land covered by water, and the airspace forming the spatial context to such land, including any landscape, traditional site or sacred place, and anything fixed to the land including any archaeological site, garden, building or structure, and any body of water, whether fresh or seawater, that forms part of the historical and cultural heritage of New Zealand

preservation means maintaining a place with as little change as possible

reassembly (anastylosis) means putting existing but dismembered parts back together

reconstruction means to build again in the original form using old or new material

reinstatement means putting components of earlier material back into position

repair means making good decayed or damaged material

restoration means returning a place as nearly as possible to a known earlier state by reassembly, reinstatement and/or the removal of extraneous additions

stabilisation means the arrest of the processes of decay

structure means any building, equipment, device or other facility made by the people and which is fixed to the land

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OFFICE OF THE PARLIAMENTARY COMMISSIONER FOR THE ENVIRONMENT

HISTORIC AND CULTURAL HERITAGE MANAGEMENT LOCAL AUTHORITY GOOD PRACTICE GUIDE

The following guide to good practice does not constitute an exhaustive list of all aspects of the management of historic and cultural heritage but it is nevertheless recommended to all local authorities for consideration in their operation. Good practice is demonstrated when:

Policy development

1. Territorial authorities recognise their primary protection role for historic and cultural heritage under the Resource Management Act 1991 and use available protection measures accordingly.
2. Integrated heritage management between all responsible agencies is promoted at the regional level.
3. The historic and cultural heritage sections of regional policy statements and regional plans are implemented and regional surveys are regionally co-ordinated where appropriate.
4. Processes are established for determining:

- who will be the lead protection agency to co-ordinate protection efforts by different agencies; and
 - the appropriate financial contributions.
5. The International Council on Monuments and Sites New Zealand/Aotearoa Charter for the Conservation of Places of Cultural Heritage Value is adopted as a standard for conservation practice.
 6. Significant archaeological sites are recognised in policies and plans in order to promote the sustainable management of these sites in conjunction with the archaeological authority provisions of the Historic Places Act 1993.
 7. Protocols are developed for:
 - protecting knowledge of the particular locations of sites of significance to tangata whenua; and
 - the use of this information by public authorities and third parties.

Planning for heritage protection

8. Cultural heritage strategies are prepared to provide for the identification, protection, conservation and promotion of historic and cultural heritage.
9. Historical and cultural heritage is identified and assessed, and the effectiveness of policies and plans are monitored, by gathering information and undertaking research which is systematic, objective, and based on agreed criteria.
10. Local authorities recognise that primary responsibility for identifying and assessing Maori heritage values rests with tangata whenua.
11. High-quality heritage inventories are established and maintained and are easily accessed (where culturally appropriate) to enable the use of the information during resource consent and building consent processes.
12. Significant heritage areas, places and objects are identified in district plans and given an appropriate level of protection by associated rules.

13. Tangata whenua are assisted to develop their own planning documents to protect sites of significance to tangata whenua and regional and district plans have regard to such documents.
14. Conservation plans are prepared to identify the heritage value of significant places and provide for appropriate conservation measures.
15. Local funds are provided for the acquisition of heritage places, the lodging of heritage orders, or the protection of heritage through the purchase and resale of places with suitable protection covenants.

Resource consent procedures

16. Early contact between applicants for resource consents and council staff occurs and is encouraged; and written background information and guidance on the identification and assessment of historic and cultural heritage is provided with resource consent application forms.
17. Resource consent applications affecting historic and cultural heritage are accompanied by an assessment of environmental affects including a description of the historic resource, an assessment of heritage values, and an evaluation of the effect of the proposal on those values.
18. The processing of resource consents ensures that the adverse effects of proposed activities on historic and cultural heritage values are avoided, remedied or mitigated.
19. Technical consultants are retained to review aspects of historic and cultural heritage management where insufficient expertise is available among council staff.

Assistance to owners of historic and cultural heritage

20. A partnership approach between councils, landowners, businesses and heritage trusts is developed to provide for the protection of significant historic and cultural heritage.

21. Financial and technical assistance for the investigation of alternative options to demolition is provided for earthquake-prone heritage buildings.
22. Expert heritage conservation advice is provided about protection approaches, alternative uses, and appropriate designs to assist the recognition and protection of heritage.
23. Financial incentives such as rates relief, assistance funds, and the waiver of consent fees are provided to landowners in recognition of the potential financial burden for listed heritage places.